

FILED*08 JUL 08 16:08USDC-ORN

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

RONALD EUGENE PIERCE,
Petitioner,

Civil No. 08-641-CL

v.

J. E. THOMAS,

ORDER

Respondent.

PANNER, Judge.

Magistrate Judge Mark D. Clarke has filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Petitioner has filed objections. I have reviewed the Magistrate Judge's Report and Recommendation de novo. See 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). I conclude that the Report and Recommendation is correct.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#4) is adopted. The petition (#2) is denied without prejudice to refile after petitioner has exhausted administrative remedies. All pending motions are denied as moot.

IT IS SO ORDERED.

DATED this 8 day of July, 2008.

A handwritten signature in black ink, appearing to read "Owen M. Panner", is written over a horizontal line.

OWEN M. PANNER
United States District Judge